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PATENT APPLICATION
ATTORNEY DOCKET NO. 20501/524

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Christopher M. Paterson

Application No.: 10/646,233

Group No.: 3723

Filed: August 22, 2003

Examiner: Gary K. Graham

For: VACUUM CLEANER BRUSHROLL

MAIL STOP APPEAL BRIEF - PATENTS
COMMISSIONER FOR PATENTS
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REPLY TO EXAMINER'S ANSWER

Applicants filed a Notice Of Appeal and an accompanying Appeal Brief on December 7, 2007. An Examiner's Answer was mailed on February 25, 2008. Applicants herein file a Reply Brief to the Examiner's Answer under 37 CFR § 41.41.

The Examiner's Answer asserts that the Appeal Brief improperly argues the references individually by pointing out that 1) Krasznai does not teach any angling of bristle tufts, and 2) Stubbs does not teach a row of first and second bristle tufts where a first tuft is oriented at a first angle and a second tuft is oriented at a second angle.

The argument in the Appeal Brief was constructed so as to illustrate that Stubbs, while teaching a row of uniformly angled tufts, all of which are angled at a single angle, does not teach variously angling individual tufts in a row of tufts. Neither does Krasznai teach angled tufts. As a result, the combination cannot teach, or even suggest, two sets of tufts in a row, where the two sets comprise different lengths and different angles.

The Examiner's Answer asserts that "[o]ne of skill in the art reading Stubbs understands that different length tufts employ different angles to achieve [sic] optimal flick action."

A person of skill in the art, however, is not taught by the combination to create a brushroll having multiple tuft lengths and multiple tuft angles. A person of skill in the art would still need to have a moment of inventive inspiration in order to develop the present claim, a row of brushroll bristle tufts of two or more tuft lengths, with the different tuft lengths being oriented at different angles.

The Examiner's Answer asserts that "[t]o provide the different height tufts of Krasznai with exactly the same angle would appear to go against what is suggested by Stubbs to achieve proper flick angle."

However, that is just what Krasznai teaches. Applicant is deeply puzzled by this logic. By the reasoning of the Examiner's Answer, Krasznai is inherently incorrect and flawed by not teaching different tuft angles for different tuft lengths. But yet that is what Krasznai discloses. Apparently Krasznai does not involve or concern tuft flick actions.

The Examiner's Answer asserts that "it is unclear exactly why Appellant feels the motivation . . . is improper."

A brushroll featuring two different tuft lengths at two different tuft angles would provide two different flick actions. There is no motivation in Stubbs (or Krasznai) to have multiple flick actions. There is no motivation in Stubbs to have multiple and different flick actions.

The Examiner's Answer asserts that "Appellant also argues that angling the tufts of the present invention . . . would create a different floor contacting configuration and would not generate a flick action. Such is not clearly understood as the Examiner is not suggesting modifying Appellant's invention by tangential trimming." The Examiner's thesis is essentially that the combination of Stubbs and Krasznai would angle the two tufts/tuft lengths of Krasznai at different angles. However, the motivation asserted by the Examiner fails, as "flick action" would not motivate such a combination. This is explained in the paragraphs below.

All bristle tufts will "flick" forward upon contact with a floor surface. The difference in Stubbs is the collective and uniform flick action that is generated as a result of Stubbs' tuft configuration. FIG. 3 of Stubbs shows tufts wherein ALL of the bristles of a tuft contact the floor at the same time. Consequently, all of the bristles are deformed together and "flick" forward in unison as the brushroll is rotated.

In contrast, the tufts shown in FIG. 5 of the present application are not tangentially trimmed or formed. As a result, only a portion of the bristles of a tuft will contact the floor at one instant. Tuft 103 of FIG. 5 will have trailing bristles contact the floor first, assuming a counter-clockwise rotation of the brushroll; while the leading bristles of tuft 104 will contact the floor first (assuming that any bristles of tuft 104 contact the floor surface). The bristles of both tuft 103 and tuft 104 achieve a "flick" action only inconsequentially and not by any design. Contact by the bristles of FIG. 5 will be non-uniform and will involve only a small portion of bristles.

In regard to the statement "the Examiner is not suggesting modifying Appellant's invention by tangential trimming", this is exactly the problem with the proposed combination. Without tangential trimming, the combination will not produce the "flick" action. Hence, the combination is inoperative with regard to the alleged effect. Because the flick action will not be produced, the motivation to combine does not exist. The combination therefore is improper.

In view of the above, applicant respectfully request that the examiner's rejection of claims 1-6 and 15-20 be reversed.

Respectfully submitted,

Date: 4/22/08


SIGNATURE OF PRACTITIONER

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